

Pro Se 5 (Rev. 12/16) Complaint for a Civil Case Alleging Negligence

UNITED STATES DISTRICT COURT

for the

8th District of Nebraska

Civil Division

Case No.

4:22CV3110

(to be filled in by the Clerk's Office)

Octavius Counts Sr

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Walmart Inc

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
2022 JUN 27 AM 10:21

COMPLAINT FOR A CIVIL CASE ALLEGING NEGLIGENCE
(28 U.S.C. § 1332; Diversity of Citizenship)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Octavius Counts
Street Address	P.O Box 81006
City and County	Lincoln Lancaster County
State and Zip Code	Nebraska 68501
Telephone Number	402-217-4688
E-mail Address	blessedhandsbycounts@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 5 (Rev. 12/16) Complaint for a Civil Case Alleging Negligence

Defendant No. 1

Name	Walmart Inc
Job or Title <i>(if known)</i>	
Street Address	702 S.W 8 th St.
City and County	Bentonville Benton County
State and Zip Code	Arkansas 72716
Telephone Number	1 (800) 925-6278
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Under 28 U.S.C. § 1332, federal courts may hear cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000. In that kind of case, called a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff. Explain how these jurisdictional requirements have been met.

A. The Plaintiff(s)

1. If the plaintiff is an individual

The plaintiff, (name) Octavius Counts, is a citizen of the
State of (name) Nebraska.

2. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
under the laws of the State of (name) _____,
and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

B. The Defendant(s)

1. If the defendant is an individual

The defendant, (name) _____, is a citizen of
the State of (name) _____. Or is a citizen of
(foreign nation) _____.

2. If the defendant is a corporation

The defendant, (name) Walmart Inc, is incorporated under
the laws of the State of (name) Delaware, and has its
principal place of business in the State of (name) Arkansas.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

C. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

\$140 Million Dollars in Total

\$115 Million General Compensatory Damages Loss of Opportunity for Plaintiff's Company Blessed Hands Home Solution Contract Deal for 5.75 Million a year for the next 20 years

\$25 Million for Medical Damages Past and Future, Actual and General Compensatory, Punitive Damages, Permanent damages, Life Altering injuries, Lifetime of Pain Management and Physical Therapy, Increased Living Expenses, Loss of Enjoyment of Life, Loss of Consortium, Mental Anguish, Disfigurement, Lost of Physical abilities and Lost Employment Income for Future Wages.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

On (date) 07/12/2021, at (place) Walmart Supercenter 16960 W. Maple Rd, Omaha, NE 68116, the defendant(s): (1) performed acts that a person of ordinary prudence in the same or similar circumstances would not have done; or (2) failed to perform acts that a person of ordinary prudence would have done under the same or similar circumstances because (describe the acts or failures to act and why they were negligent)

Store Project Coach for Walmart Inc by the name of Richard Bailey Failed the Duty to Report and Investigate an accident that occurred on Walmart Property while under Richard Bailey Supervision injuring Plaintiff's Back And Left Shoulder on 07-12-2021 at approximately 4:20A.M. He also stated to the Plaintiff that "He's Not Writing No Report" in which Richard Bailey witnessed first-handed and simply walked away from Plaintiff. This is considered to be a Premises Liability as this occurred inside the store concerning a defective overstock shelf that was involved that wasn't reported at all. Richard Bailey (Store Project Coach) for Walmart Inc ordered two third-party team members from Spar Group Inc to touch a Defective Shelf that immediately dropped 5+ Cases of Canned Soups from an Overstock Shelf from approximately 8 ft high above onto Plaintiff's Back and Left Shoulder causing immediate Pain and Discomfort. Plaintiff was working on the bottom shelf stocking cans alone and unaware when this tragic accident unknowingly and unexpectedly happened. Plaintiff only had a second to protect his head from injuries as He felt heavy objects crashing from above onto him. Plaintiff endured 5+ cases of canned soups crashing his Back and Left Shoulder with brutal force all over Plaintiff Back and Left Shoulder causing Permanent Damages making this a Life Altering Injury. Plaintiff now suffers Life Altering Injuries and Permanent Pain & Suffering Due to Richard Bailey Professional Negligence and Watonness for this Forseeable Action. Plaintiff drove himself in Severe Pain to the hospital after speaking with paramedics inside this Walmart Supercenter location not willing to leave his vehicle behind in their parking lot fearing the Walmart Staff Retaliation.

The acts or omissions caused or contributed to the cause of the plaintiff's injuries by (explain)

Richard Bailey (SPC) for Walmart Inc witnessed and knowingly failed to report this accident which occurred 07-12-2021.

Richard Bailey orchestrated this carelessly as it was a forseeable accident.

Richard Bailey Stated to Plaintiff that "He's Not Writing No Report" as he walked away leaving plaintiff helpless, knowing plaintiff was in pain, to fight for himself.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Medical Damages Past, Present Ongoing and Future: expenses ongoing

Loss of Wages : Personal Wages and For My Company Business Blessed Hands Home Solutions: \$115 Million

Monetary Damages

Actual and General Compensatory: Loss of Consortium, Disfigurement , Increased living expenses and Mental Anguish , Rehabilitation expenses, Future lost wages, Loss of Opportunity, Long Term Pain and Suffering and Loss of Enjoyment of Life: \$25 million

Punitive Damages for Pure Professional Negligence

Treble Damages: Asking to Multiply 3 times the asking amount of \$25 Million for Actual/General Compensatory to \$75 Million to serve as Punishment to Defendant WalMart INC.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 6-27-22

Signature of Plaintiff

Printed Name of Plaintiff

Octavius Counts Sr

B. For Attorneys

Date of signing: _____

Pro Se 5 (Rev. 12/16) Complaint for a Civil Case Alleging Negligence

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address